

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENISE TUMELE,

Plaintiff,

CIVIL ACTION NO. 06-CV-10605-DT

VS.

CHIEF DISTRICT JUDGE GERALD E. ROSEN

**ROBERT SCOTT FACILITY,
et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

OPINION AND ORDER GRANTING IN PART DEFENDANTS' MOTION TO COMPEL

This matter comes before the Court on the Motion to Compel pursuant to Fed. R. Civ. P. 37 filed by Defendants Shawney, Singhal, and Yaqoob. (Docket no. 113). Plaintiff has not responded, and the time for responding has now expired. All pretrial matters have been referred to the undersigned for decision. (Docket no. 6). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). This matter is now ready for ruling.

Defendants show that they served their First Set of Interrogatories to Plaintiff and their Second Set of Requests for Production of Documents to Plaintiff both on January 19, 2009. (Docket nos. 113-3, 113-4). Plaintiff answered the interrogatories and responded to the production requests on February 19, 2009 and February 28, 2009, respectively. (Docket nos. 113-5, 113-6). Defendants contend that Plaintiff's answers and responses are inadequate and seek an order compelling Plaintiff to provide complete and thorough answers and responses.

The Court has reviewed Plaintiff's answers and responses. Considering Plaintiff's pro se, prisoner status and that Defendants received her complete medical file, Plaintiff has, for the most part, adequately responded to Defendants' discovery. However, Plaintiff has not adequately

answered Interrogatory Nos. 6 (no answer provided), 12 (failed to attempt to answer), and 17 (refuses to answer on basis she has already answered). Plaintiff also failed to sign her answers. With regard to Defendants' Requests for Production of Documents, the Court finds that only Request No. 6 which requests copies of Plaintiff's tax returns for previous years requires supplementation. Plaintiff states that as a prisoner she is not allowed to have her tax returns in her possession. Therefore, Defendants may send an IRS/State of Michigan release for those returns to Plaintiff, and Plaintiff will sign that release for her income tax returns beginning with tax year 2000.

IT IS THEREFORE ORDERED that Defendants' Motion to Compel (docket no. 113) is **GRANTED** to the extent that: (1) Defendants may re-serve Plaintiff with Interrogatory Nos. 6, 12, 17, including a signature line swearing to the accuracy of those answers as well as the answers provided on February 17, 2009, which Plaintiff must completely answer, sign, and return to Defendants' counsel within 12 days of the date they are mailed to Plaintiff by Defendants; and (2) Defendants may send to Plaintiff a release for her tax returns as set out above which Plaintiff must sign and return to Defendants' counsel within five days of the date the release is mailed to Plaintiff by Defendants; and is otherwise **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: June 23, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Denise Tumele and Counsel of Record on this date.

Dated: June 23, 2009

s/ Lisa C. Bartlett
Courtroom Deputy